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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,879	09/10/2003	David Matthew Oles	IGTECH.0115P	6926

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EXAMINER

ONEILL, MICHAEL W

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,879

Applicant(s)

OLES ET AL.

Examiner

Michael O'Neill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-21-4
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MICHAEL O'NEILL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert '806; Cumbers ' 876; Soltys et al. '848 and DeBan et al. '103.

What Colbert discloses, teaches and suggests to one of ordinary skill in the art was discussed in the previous Office action on the merits and is incorporated herein. What Colbert

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lacks in disclosing is the use of facial features to identity and verify the user of the system to which the invention of Colbert is connected thereto. Instead, Colbert uses the knuckle profile as the biometric identifier instead of facial features as the biometric identifier. Cumbers teaches that it is well known in the art to use facial features as the biometric identifier for player tracking and identification. As taught in Cumbers, the system captures a player's facial image biometric by either a digital or video camera and attaches said biometric data to an account file for the player. When the player goes upto a game machine a camera scans the player and acquires facial image data which is compared to the stored data in the system to identify the player. Once the player is identified as the player, the player account file is accessed and open and the player can begin game play operations permitted by the system. Soltys et al. teaches and suggest another system used to monitor gaming activity within a casino environment. In particular, Soltys et al. refers to player profiling and identification at table games in col. 22. This system uses facial features as the biometric to build a player profile and is able to then permit the casino to monitor the player at the gaming table or at any other point in the casino where video cameras are present. The system is mainly used for security to prevent unlawful game

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player; however, the reference suggests in col. 22 that the system can be utilized with a player "comp" card and thus allowing the casino personnel to attach a player's face to a "comp" card and by running the system in its surveillance mode the casino can verify that the person presenting the "comp" card is the player associated with that "comp" card through the use of the automated facial recognition methods already embedded within the system. DeBan et al. suggests that these facial recognition systems can send the data received at a station to a remote location, i.e. DeBan et al. along with Soltys et al. and Cumbers teach and suggest that it is well known in the art to transmit to a remote location the biometric data collected from the station where the person to which the system is trying to identify is located.

With respect to claim 7-9, absent a showing of criticality between using an analog camera versus a digital camera; it would have been obvious to switch from analog to digital because the advantage for using a digital camera is the removal of a frame grabber and the analog to digital converter from any system need images to do an analysis therewith.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert '806; Cumbers '876; Soltys et al. '848 and DeBan et al. '103 further in view of Allen '766.

Allen teaches how the video camera's analog signal is transformed into a digital signal for use with a computer system, see figure 1. This is a notoriously well-known concept to those skilled in the art and therefore is obvious to one skilled in the art at the time the invention was created.

Response to Arguments

Applicant's arguments filed 5-21-04 have been fully considered but they are not persuasive. The Applicant in the remarks try to distinguish Colbert and the claimed invention by stating that Colbert does not teach or suggest comparing any type of profile. Well, whether or not this is true is irrelevant because reading the claimed invention the term of "profile" or "profilng" are not used in the claims. Therefore, these remarks are not commensurate with the scope of the claimed invention and therefore are non-persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

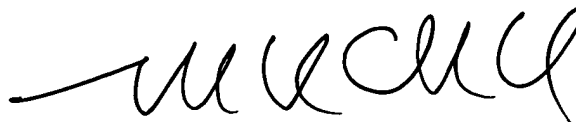
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 703-308-3484. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks, Acting SPE can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'MICHAEL O'NEILL', with a long horizontal stroke extending to the left.

MICHAEL O'NEILL
PRIMARY EXAMINER